

CULTURAL ADVICE REPORT

J6442 - STOKES LAND (NORTH WOODEND)

To: Waimakariri District Council

Contact: Peter Wilson

1.0 Mana Whenua Statement

Ngāi Tahu are tangata whenua of the Canterbury region and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). The TRoNT Act and Ngāi Tahu Claims Settlement Act (NTCSA) 1998 sets the requirements for recognition of tangata whenua in Canterbury.

The Te Rūnanga o Ngāi Tahu Act 1996 and the NTCSA 1998 gives recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries. Each Papatipu Rūnanga has their own respective takiwā, and each is responsible for protecting the tribal interests in their respective takiwā, not only on their own behalf of their own hapū, but again, on behalf of the entire tribe.

The following Rūnanga hold mana whenua over the project's location, as it is within their takiwā:

- Ngāi Tūāhuriri Rūnanga

2.0 Summary of Proposal

Waimakariri District Council is proposing to rezone the Stokes Land (North Woodend) area to Medium Density Residential and Large Lot Residential

Medium Density Residential means that up to three dwellings of three stories can be developed without a resource consent if other rules and standards have been met.

Large Lot Residential generally provides for a density of one residence every 4000 m².

The proposed site is located within the SF017 – Pekapeka Silent File Area.

3.0 Consultation Methodology

Mahaanui Kurataiao Limited review the application documents and undertake an assessment of the application against the Mahaanui Iwi Management Plan.

A briefing report is prepared for Kaitiaki representatives who have been mandated by the Papatipu Rūnanga they represent to speak on behalf of hapū on environmental issues.

A Mahaanui Kurataiao Limited staff member meets with Kaitiaki representatives to discuss the application and Kaitiaki provide feedback based on Mātauranga Māori.

The Cultural Advice Report is provided to outline the relevant policies in the Mahaanui Iwi Management Plan and the feedback provided by Kaitiaki representatives.

The relevant policies and Kaitiaki feedback for this application are provided in the following sections of this report.

4.0 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) is a written expression of kaitiakitanga, setting out how to achieve the protection of natural and physical resources according to Ngāi Tahu values, knowledge, and practices. The plan has the mandate of the six Papatipu Rūnanga, and is endorsed by Te Rūnanga o Ngāi Tahu, as the iwi authority.

Natural resources – water (waterways, waipuna (springs), groundwater, wetlands); mahinga kai; indigenous flora and fauna; cultural landscapes and land - are taonga to mana whenua and they have concerns for activities potentially adversely affecting these taonga. These taonga are integral to the cultural identity of ngā rūnanga mana whenua and they have a kaitiaki responsibility to protect them. The policies for protection of taonga that are of high cultural significance to ngā rūnanga mana whenua are articulated in the IMP.

The policies in this plan reflect what Papatipu Rūnanga support, require, encourage, or actions to be taken with regard to resolving issues of significance in a manner consistent with the protection and enhancement of Ngāi Tahu values, and achieving the objectives set out in the plan.

The relevant Policies of the IMP to this proposal have been identified as:

5.1 KAITIAKITANGA

TE TIRITI O WAITANGI

K2.3 In giving effect to Te Tiriti, government agencies and local authorities must recognise and provide for kaitiakitanga and rangatiratanga. As the tāngata whenua who hold manawhenua, Ngāi Tahu interests in resource management extend beyond stakeholder or community interests.

Comment: *Kaitiakitanga is fundamental to the relationship between Ngāi Tahu and the environment. Te Tiriti o Waitangi guarantees tāngata whenua the right to fulfill their kaitiaki obligations to protect and care for taonga in the environment, including land, waterways, natural features, wāhi tapu and flora and fauna with tribal areas.*

5.3 WAI MĀORI

TĀNGATA WHENUA RIGHTS AND INTERESTS IN FRESHWATER

WM1.1 Ngāi Tahu, as tāngata whenua, have specific rights and interests in how freshwater resources should be managed and utilised in the takiwā.

CHANGING THE WAY WATER IS VALUED

WM2.3 To require that decision making is based on intergenerational interests and outcomes, mō tātou, ā, mō kā uri ā muri ake nei.

WATER QUALITY

WM6.1 To require that the improvement of water quality in the takiwā is recognised as a matter of regional and immediate importance.

Controls on land use activities to protect water quality

WM6.17 To require the development of stringent and enforceable controls on the following activities given the risk to water quality:

- (a) Intensive rural land use (see Issue WM.7);
- (b) Subdivision and development adjacent to waterways;
- (c) Discharge to land activities associated with industry;

Costs and benefits

WM6.22 To require that local authorities afford appropriate weight to tāngata whenua values when assessing the costs and benefits of activities that may have adverse effects on water quality.

WM6.23 To ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of poor water quality.

Cumulative effects

WM7.14 To require that the effects of land use activities on water quality and quantity are assessed with due regard to the cumulative effects of all land use in the catchment and as well as of individual consents.

ACTIVITIES IN THE BEDS AND MARGINS OF RIVERS AND LAKES

Riparian areas

WM12.2 To require the protection and restoration of native riparian vegetation along waterways and lakes in the takiwā as a matter of priority, and to ensure that this can occur as a permitted activity. Use and enhancement of river margins in the built/ urban environment

WM12.4 All waterways in the urban and built environment must have indigenous vegetated healthy, functioning riparian margins.

WM12.5 To require that all waterways in the urban and built environment have buffers or set back areas from residential, commercial or other urban activity that are:

- (a) At least 10 metres, and up to 30 metres; and
- (b) Up to 50 metres where there is the space, such as towards river mouths and in greenfield areas.

WM12.7 To require all esplanade reserves and esplanade strips established on subdivisions to incorporate native riparian planting.

***Comment:** Water is a significant cultural resource, connecting Ngāi Tahu to the landscape, culture, and traditions of the tūpuna. Wai is a taonga, and a life giver of all things. The protection and enhancement of wai is, therefore, of upmost importance to tāngata whenua. The RMA recognises the relationship of Māori to freshwater as a matter of national importance.*

5.4 PAPANUKU

URBAN AND TOWNSHIP PLANNING

P3.2 To ensure early, appropriate and effective involvement of Papatipu Rūnanga in the development and implementation of urban and township development plans and strategies, including but not limited to:

- (a) Urban development strategies;
- (b) Plan changes and Outline Development Plans;
- (c) Area plans;
- (d) Urban planning guides, including landscape plans, design guides and sustainable building guides;
- (e) Integrated catchment management plans (ICMP) for stormwater management;
- (f) Infrastructure and community facilities plans, including cemetery reserves; and
- (g) Open space and reserves planning.

P3.3 To require that the urban development plans and strategies as per Policy P3.2 give effect to the Mahaanui IMP and recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites by:

- (a) Recognising Te Tiriti o Waitangi as the basis for the relationship between Ngāi Tahu and local government;
- (b) Recognising and providing for sites and places of importance to tāngata whenua;
- (c) Recognising and providing for specific values associated with places, and threats to those values;
- (d) Ensuring outcomes reflect Ngāi Tahu values and desired outcomes; and
- (e) Supporting and providing for traditional marae based communities to maintain their relationship with ancestral land

SUBDIVISION AND DEVELOPMENT

Processes

P4.1 To work with local authorities to ensure a consistent approach to the identification and consideration of Ngāi Tahu interests in subdivision and development activities, including:

- (a) Encouraging developers to engage with Papatipu Rūnanga in the early stages of development planning to identify potential cultural issues; including the preparation of Cultural Impact Assessment reports;
- (b) Ensuring engagement with Papatipu Rūnanga at the Plan Change stage, where plan changes are required to enable subdivision;
- (c) Requiring that resource consent applications assess actual and potential effects on tāngata whenua values and associations;
- (d) Ensuring that effects on tāngata whenua values are avoided, remedied or mitigated using culturally appropriate methods;
- (e) Ensuring that subdivision consents are applied for and evaluated alongside associated land use and discharge consents; and
- (f) Requiring that 'add ons' to existing subdivisions are assessed against the policies in this section.

Basic principles and design guidelines

P4.3 To base tāngata whenua assessments and advice for subdivision and residential land development proposals on a series of principles and guidelines associated with key issues of importance concerning such activities, as per Ngāi Tahu subdivision and development guidelines.

Comment: *Papatūānuku is the birthplace of all things of the world and the place to which they return. Subdivision and development activities can compromise the mauri of the land and the life it supports if not managed appropriately. Subdivision and development activities must implement low impact, innovative, and sustainable solutions to water, stormwater, and energy issues.*

5.8 NGĀ TŪTOHU WHENUA

RECOGNISING CULTURAL LANDSCAPES

CL1.2 To require that local and central government give effect to cultural landscapes in policy, planning and decision making processes as a tool to:

- (a) Enable holistic assessment of effects on cultural values;
- (b) Recognise the relationship of Ngāi Tahu to particular areas and sites; and
- (c) Provide a wider context for cultural heritage management and the protection of individual sites.

CL1.6 To require that known Māori archaeological sites and silent files are recognised and provided for as cultural landscape indicators.

Protecting and restoring cultural landscapes

CL1.8 To identify opportunities to enhance cultural landscapes, including but not limited to:

- (a) Restoration/enhancement of indigenous biodiversity;
- (b) Enhancing views and connections to landscape features;
- (c) Appropriate and mandated historical interpretation;
- (d) Setting aside appropriate areas of open space within developments; and
- (e) Use of traditional materials, design elements and artwork.

WĀHI TAPU ME WĀHI TAONGA

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

- (a) Low risk to sites:
 - (i) Accidental discovery protocol (ADP)

SILENT FILES

CL4.4 The Silent File designation means that:

- (a) There must be a high level of engagement with Papatipu Rūnanga to assess whether the location, type and scale of proposed activities may adversely effect the values associated with the Silent File area;
- (b) The Papatipu Rūnanga shall have a high level of influence over decisions to grant or decline consents. Only tāngata whenua can determine whether a development will affect silent file value; and
- (c) The Papatipu Rūnanga shall not be required to justify the nature and extent of cultural effects, or why an activity may be inconsistent with values in a Silent File area. Tāngata whenua must be able to “say no” without revealing the location or status of a site.

***Comment:** For Ngāi Tahu cultural heritage isn't something that happened in the past; but rather a reflection of an ongoing and enduring relationship with the land. As a planning tool, cultural landscapes are a culturally meaningful and effective framework for the identification, protection and management of sites and places of significance, the multiple values associated with those sites and places, and the relationship of tāngata whenua to them.*

4.1 Guidance to Moderate Impacts on Cultural Values

The above policies from the Mahaanui IMP provide a framework for assessing the potential negative impacts of the proposed activity on cultural values and provide guidance on how these effects can be moderated.

There are particular cultural sensitivities with regards to residential development in the eastern areas of the Waimakariri district. The concerns are associated with the cultural landscape, groundwater levels, waterways, mahinga kai values and taonga species. The rezoning request and future development of Stokes Land must be advanced with a cultural landscape approach. A cultural landscape approach enables a holistic identification and assessment of sites of significance, and other values of importance such as waterways, wetlands and waipuna.

A cultural landscape is a geographical area with particular (and often related) traditional, historical, spiritual and ecological value to Ngāi Tahu. An area may be identified as a cultural landscape due to the concentration of values in a particular location, the particular importance of the area to Ngāi Tahu cultural, history or identity, or the need to manage an area as a particular landscape unit. A cultural landscape approach shifts the focus from individual sites (e.g. New Zealand Archaeological Association or NZAA site) to the wider setting or context of a site - the relationship and linkages of the site to the area and other landscape features. The future development must incorporate and protect natural characteristics of the landscape. Areas identified as culturally sensitive should be protected

and enhanced. Consultation with the Papatipu Rūnanga may be required to determine culturally appropriate methods of enhancement.

The decline in water quality in the takiwā is a result of the continuing practice of using water as a receiving environment for the discharge of contaminants and waste. This along with unsustainable rural and urban land use is one of the most significant natural resource issues for tāngata whenua. Te Ngāi Tūāhuriri Rūnanga require that waterbodies (waterways, springs, etc, including ephemeral waterways and drains) be retained and incorporated into the design of development associated with this land re-zoning request. Changing the way water resources are valued must underpin and drive the changes needed in the way freshwater resources are managed and used.

Waterways should be protected and enhanced with suitable setbacks and riparian buffers planted with indigenous species. As per policy WM12.5 of the Iwi Management Plan, to require that all waterways in the urban and built environment have buffers or set back areas from residential, commercial, or other urban activity that are at least 10 metres, and up to 30 metres; and up to 50 metres where there is the space, such as towards river mouths and in greenfield areas. Moreover, cultural health assessments in the takiwā highlight that one of the greatest issues facing waterways is the absence of sufficient riparian margins to buffer those waterways from intensive land use and provide habitat for mahinga kai and indigenous species.

Indigenous biodiversity, and the landscapes and ecosystems that support it, is a fundamental part of the culture, identity and heritage of Ngāi Tahu, particularly with regard to mahinga kai and the connection between people and place through resource use. Restoring indigenous biodiversity values is one of the most important challenges for the future management in the takiwā. A healthy economy relies on a healthy environment. Mature native trees onsite must be retained and incorporated into future subdivision design. The site should also be surveyed by a suitably qualified person(s) to determine whether there are taonga species within the site that need to be protected.

Wetlands, waipuna and riparian areas are all considered to be wāhi taonga by Ngāi Tahu, treasured for their role in protecting and enhancing mauri, as providing habitat for mahinga kai. There should be a survey undertaken to identify springs and/or wetlands on the site. This should be undertaken by a suitably qualified expert. Springs and wetlands should be protected and enhanced with suitable setbacks and indigenous riparian planting.

Low impact design methods, such as, the use of rain and greywater collection and re-use systems, and minimising impervious surface area is encouraged. Refer to Ngāi Tahu Subdivision and Development Guidelines (Appendix 1) for low impact design methods endorsed by mana whenua and guidance on stormwater, water supply and wastewater servicing. The guidelines provide a framework for Papatipu Rūnanga to positively and proactively influence and shape subdivision and development activities, while also enabling council and developers to identify issues of importance and desired outcomes for protecting tāngata whenua interests on the landscape. While subdivision and residential land development activities can have adverse effects on cultural values, they can also provide cultural benefits, including opportunities to re-affirm connections between tāngata whenua and place.

Soil is a fundamental resource, and together with air and water, is the basis on which life depends. Land use, subdivision and development activities must have appropriate controls to avoid over-saturation, contamination, and erosion of soils. Contaminated sites should be remediated, and all contaminated material should be removed from the site and disposed of at a licensed facility.

Activities such as residential land development can leave large areas of land cleared with bare soil exposed, increasing the risk of erosion and the discharge of sediment into waterways. Measures to minimise earthworks should be considered at the design phase of development. Earthworks in areas with shallow depth to groundwater and/or over an aquifer can have significant cultural impacts and are of concern.

5.0 Rūnanga – Affected Party or Not

This report is a preliminary assessment against the Mahaanui Iwi Management Plan to provide Council with guidance to the cultural impact of proposed rezoning of Stokes Land.

The Kaitiaki representatives of Te Ngāi Tūāhuriri Rūnanga have reviewed the proposed rezoning of Stokes Land and have provided the recommendations outlined in Section 6.0 to align these proposals more closely with the provisions in the Mahaanui IMP.

If the recommendations are provided for, the Rūnanga will not consider themselves to be an adversely affected party.

Mahaanui Kurataiao Ltd reserves the right to update the recommendations when Te Ngāi Tūāhuriri Rūnanga provide feedback for individual developments within the proposed area as consultation with Rūnanga at pre-application stage does not eliminate the requirement for the consenting authority to consult with mana whenua at the application stage.


6.0 Conditions

The following recommendations are provided to moderate effects of this proposed activity on mana whenua values:

1. Waterbodies waterways, springs, etc, including ephemeral waterways) must be retained and incorporated into the design of development associated with this land re-zoning request.
2. The future development must incorporate and protect natural characteristics of the landscape.
3. Mature native trees onsite must be retained and incorporated into future subdivision design.
4. Waterways should be protected and enhanced with suitable setbacks and riparian buffers planted with indigenous species (see policy WM12.5).

5. There should be a survey undertaken to identify springs and/or wetlands on the site. This should be undertaken by a suitably qualified expert. Springs and wetlands should be protected and enhanced with suitable setbacks and indigenous riparian planting.
6. Areas identified as culturally sensitive should be protected and enhanced. Consultation with the Papatipu Rūnanga may be required to determine culturally appropriate methods of enhancement.
7. Low impact design methods, such as, the use of rain and greywater collection and re-use systems, and minimising impervious surface area is encouraged. Refer to Ngāi Tahu Subdivision and Development Guidelines (Appendix 1) for low impact design methods endorsed by mana whenua.
8. Contaminated sites should be remediated. All contaminated material should be removed from the site and disposed of at a licensed facility.
9. Measures to minimise earthworks should be considered at the design phase of development.
10. Earthworks in areas with shallow depth to groundwater and/or over an aquifer can have significant cultural impacts and are of concern.
11. The site should be surveyed by a suitably qualified person(s) to determine whether there are taonga species within the site that need to be protected.
12. Refer to Ngāi Tahu Subdivision and Development Guidelines (Appendix 1) for guidance on stormwater, water supply and wastewater servicing.

Note: The list of recommendations is preliminary, general/non-specific and non-exhaustive and is provided as preliminary guidance only.



On behalf of Mahaanui Kurataiao Ltd, this report has been prepared by Angela Burton | Mahaanui Kurataiao Ltd Environmental Advisor.

Date: 17 May 2024

Appendix 1: Ngāi Tahu Subdivision and Development Guidelines

Note: *These guidelines are to be read in conjunction with Policies P4.1, P4.2 and P4.3 within the Mahaanui IMP.*

Cultural landscapes

- 1.1** A cultural landscape approach is the most appropriate means to identify, assess and manage the potential effects of subdivision and development on cultural values and significant sites [refer Section 5.8 Issue CL1].
- 1.2** Subdivision and development that may impact on sites of significance is subject Ngāi Tahu policy on Wāhi tapu me wāhi taonga and Silent Files (Section 5.8, Issues CL3 and CL4).
- 1.3** Subdivision and development can provide opportunities to recognise Ngāi Tahu culture, history and identity associated with specific places, and affirm connections between tāngata whenua and place, including but not limited to:
 - (i) Protecting and enhancing sites of cultural value, including waterways;
 - (ii) Using traditional Ngāi Tahu names for street and neighbourhood names, or name for developments;
 - (iii) Use of indigenous species as street trees, in open space and reserves;
 - (iv) Landscaping design that reflects cultural perspectives, ideas, and materials;
 - (v) Inclusion of interpretation materials, communicating the history and significance of places, resources, and names to tāngata whenua; and
 - (vi) Use of tāngata whenua inspired and designed artwork and structures.

Stormwater

- 2.1** All new developments must have on-site solutions to stormwater management (i.e. zero stormwater discharge off site), based on a multi-tiered approach to stormwater management that utilises the natural ability of Papatūānuku to filter and cleanse stormwater and avoids the discharge of contaminated stormwater to water [refer to Section 5.4, Policy P6.1].
- 2.2** Stormwater swales, wetlands and retention basins are appropriate land-based stormwater management options. These must be planted with native species (not left as grass) that are appropriate to the specific use, recognising the ability of particular species to absorb water and filter waste.
- 2.3** Stormwater management systems can be designed to provide for multiple uses. For example, stormwater management infrastructure as part of an open space network can provide amenity values, recreation, habitat for species that were once present on the site, and customary use.

- 2.4** Appropriate and effective measures must be identified and implemented to manage stormwater run-off during the construction phase, given the high sediment loads that stormwater may carry as a result of vegetation clearance and bare land.
- 2.5** Councils should require the upgrade and integration of existing stormwater discharges as part of stormwater management on land rezoned for development.
- 2.6** Developers should strive to enhance existing water quality standards in the catchment downstream of developments, through improved stormwater management.

Earthworks

- 3.1** Earthworks associated with subdivision and development are subject to the general policy on Earthworks (Section 5.4 Issue P11) and Wāhi tapu me wāhi taonga (Section 5.8, Issue CL3), including the specific methods used in high and low risk scenarios for accidental finds and damage to sites of significance.
- 3.2** The area of land cleared and left bare at any time during development should be kept to a minimum to reduce erosion, minimise stormwater run-off and protect waterways from sedimentation.
- 3.3** Earthworks should not modify or damage beds and margins of waterways, except where such activity is for the purpose of naturalisation or enhancement.
- 3.4** Excess soil from sites should be used as much as possible on site, as opposed to moving it off site. Excess soil can be used to create relief in reserves or buffer zones.

Water supply and use

- 4.1** New developments should incorporate measures to minimise pressure on existing water resources, community water supplies and infrastructure, including incentives or requirements for:
- (i) low water use appliances and low flush toilets;
 - (ii) grey water recycling; and
 - (iii) rainwater collection.
- 4.2** Where residential land development is proposed for an area with existing community water supply or infrastructure, the existing supply or infrastructure must be proven to be able to accommodate the increased population prior to the granting of subdivision consent.
- 4.3** Developments must recognise, and work to, existing limits on water supply. For example, where water supply is an issue, all new dwellings should be required to install rainwater collection systems.

Waste treatment and disposal

5.1 Developments should implement measures to reduce the volume of waste created within the development, including but not limited incentives or requirements for:

- (i) Low water use appliances and low flush toilets;
- (i) Grey water recycling; and
- (ii) Recycling and composting opportunities (e.g. supporting zero waste principles).

5.2 Where a development is proposed for an area with existing wastewater infrastructure, the infrastructure must be proven to be able to accommodate the increased population prior to the granting of the subdivision consent.

5.3 New rural residential or lifestyle block developments should connect to a reticulated sewage network if available.

5.4 Where new wastewater infrastructure is required for a development:

- (i) The preference is for community reticulated systems with local treatment and land-based discharge rather than individual septic tanks; and
- (ii) Where individual septic tanks are used, the preference is a wastewater treatment system rather than septic tanks.

Design guidelines

6.1 New developments should incorporate low impact urban design and sustainability options to reduce the development footprint on existing infrastructure and the environment, including sustainable housing design and low impact and self-sufficient solutions for water, waste, energy such as:

- (i) Position of houses to maximise passive solar gain;
- (ii) Rainwater collection and greywater recycling;
- (iii) Low energy and water use appliances;
- (iv) Insulation and double glazing; and
- (v) Use of solar energy generation for hot water.

6.2 Developers should provide incentives for homeowners to adopt sustainability and self-sufficient solutions as per 6.1 above.

6.3 Urban and landscape design should encourage and support a sense of community within developments, including the position of houses, appropriately designed fencing, sufficient open spaces, and provisions for community gardens.

6.4 Show homes within residential land developments can be used to showcase solar hot water, greywater recycling and other sustainability options, and raise the profile of low impact urban design options.

Landscaping and open space

7.1 Sufficient open space is essential to community and cultural wellbeing, and the realization of indigenous biodiversity objectives, and effective stormwater management.

7.2 Indigenous biodiversity objectives should be incorporated into development plans, consistent with the restoration and enhancement of indigenous biodiversity on the landscape.

7.3 Indigenous biodiversity objectives to include provisions to use indigenous species for:

(i) street trees;

(ii) open space and reserves;

(iii) native ground cover species for swales;

(iv) stormwater management network; and

(v) home gardens.

7.4 Indigenous species used in planting and landscaping should be appropriate to the local environment, and where possible from locally sourced seed supplies.

7.5 Options and opportunities to incorporate cultural and/or mahinga kai themed gardens in open and reserve space can be considered in development planning (e.g. pā harakeke as a source of weaving materials; reserves planted with tree species such as mātai, kahikatea and tōtara could be established with the long-term view of having mature trees available for customary use).

7.6 Developers should offer incentives for homeowners to use native species in gardens, including the provision of lists of recommended plants to avoid, discounts at local nursery, and landscaping ideas using native species.